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James Craig, Professor of Civil Law, 1710-1732

Posted on 28/05/2013 by John Cairns

On 18 October 1710, James Craig was appointed as Professor of Civil Law in the University of Edinburgh. He advertised classes as Professor in the Common Hall of the College in November of that year. Although Charles Areskine had been appointed Regius Professor of Public law and the Law of Nature and Nations in 1707, he did not offer classes until 1711. Craig was therefore the first active law teacher in the University of Edinburgh. A five-year privilege granted to Alexander Cunningham in 1699, and renewed in 1704, had prevented the appointment of a university Professor of Civil Law before this.

From a family with a history of distinction in the legal profession, he is almost certainly the James Craig who matriculated in Edinburgh under the regent Herbert Kennedy in 1691 and graduated in 1694. Following in the footsteps of his brother Robert, he then studied law in Franeker, matriculating there as a law student in 1695. Robert had also studied law in Utrecht, and there is some evidence to suggest that James did so too. But neither brother matriculated in the second Dutch university. At Franeker, before Zacharias Huber, James had publicly defended theses *De matrimonio feminarum provincialium illicito cum praefectis militum* in 1697, putting forward a “true interpretation” of D. 23.2.63. James had not written the *Disputatio Juridica*, he was merely the *respondens*, though he does appear to have composed the *corollaria* for debate. James was admitted as an advocate of the Scots bar on 9 July, 1701. The month before he had publicly defended theses *De inofficioso testamento* that he had prepared himself.

James had started to teach Civil Law privately in Edinburgh earlier in 1710, one of many advocates who sought to do so at this time. Indeed, there had been private teaching of Civil law in Edinburgh from 1699. Each year James taught two courses on the Institutes and one on the Digest, perhaps using Voet’s *Compendium juris* for the last. Like the classes of most early-eighteenth-century Scots law teachers, these were modelled on the *collegia privata* of Dutch professors; though the Town Council had initially allocated space in the College buildings for him to lecture, and he seems initially to have taught in his first year in the “Common Hall” of the College, he thereafter always taught his law classes in his home. At one time he proposed that, on Saturdays, there should be public disputes by the students, followed the next Saturday by his solution of these *quaestiones disputatae*.

James was initially appointed without a salary; his remuneration was to be entirely from the fees paid to him by his students. On 25 January 1715, by sign manual, King George I appointed James Craig as Regius Professor of Civil and Canon Law in the University of Edinburgh, with tenure for life. The sign manual referred to the previous expensive necessity of sending sons abroad to study the civil and canon laws, but noted that, for a number of years past, Craig had been publicly “professing and teaching” them in Edinburgh “for the service of his Country”. It concluded that he and his successors therefore deserved the encouragement of a royal appointment. It is not clear that Craig ever gained admission from the University as Regius Professor. In 1717, he acquired a salary of £100, allocated from the Edinburgh Beer Duties Act. In 1722, the Beer Duties Act made this salary permanent, and provided that appointments were to be made by the Town Council on receipt of two names of qualified individuals from the Faculty of Advocates, thereby superseding the possibility of further royal appointment. As far as we can tell, he taught regularly each year until his death in 1732.

Craig was trained in law in the Netherlands at a highpoint of late Dutch legal humanism. Other than his defence of the *Disputatio juridica* in Franeker, we have little evidence of his education. Zacharias Huber, like his more

famous father, Ulric, was not indifferent to the importance of classical studies for law. We do not have the materials to judge exactly how “Humanistic” was Craig’s approach to Civil Law, even in if this would be a meaningful exercise; but we can be confident of the influence on him of his Dutch education. His use of a Dutch textbook and his copying the style of teaching found in the Netherlands both testify to that. His immediate successors in the Edinburgh chair all followed this approach, teaching classes on the Institutes and classes on the Digest from Dutch *compendia*, until those of Heineccius acquired a virtual monopoly.

Though there have been some gaps in the occupancy of the chair, most significantly from 1987 until 2012, Civil Law has been continuously taught in the University of Edinburgh as a core subject of study for law students since 1710. This entry is the first of an irregular series about some of the holders of the chair as we mark these 303 years of Civil Law in the University of Edinburgh. They will not be delivered in order of occupancy of the chair, but according to the whim of the blogger.



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